REMARKS

Claims 1-10 and 26-34 are pending. Claims 31-34 have been added. Claims 11-25 have been canceled without prejudice or disclaimer in response to their withdrawal from consideration. Claims 1-10 and 31-34 are under consideration, claims 26-30 having been withdrawn from consideration.

The Office action mailed December 15, 2005 asserts that the "restriction" of claims 26-30 has been made final. Applicant respectfully disagrees. The action mailed October 3, 2005 asserted that claims 26-30 were drawn to a patentably distinct species from claims 1-10 and were subject to an election of species requirement. Thus, claims 26-30 are subject to re-joinder should a generic claim be held allowable.

In the Office action mailed December 15, 2005, claim 1 was rejected under 35 U.S.C. § 102(b) as anticipated by Mitchell et al. (hereinafter "Mitchell").

Claim 1 relates to a system that includes an interference pattern generator to generate, at a first location, an interference pattern including an interference fringe, a spatial filter to limit the area at the first location actually illuminated by the interference pattern, and a positioner to displace the actually illuminated area across the first location in a direction crossing the interference fringe and to maintain

a substantially constant position of the interference pattern relative to the first location despite the displacement.

Mitchell neither describes nor suggests a positioner that is to displace the actually illuminated area across the first location in a direction crossing the interference fringe and to maintain a substantially constant position of the interference pattern relative to the first location despite the displacement, as recited in claim 1.

In this regard, Mitchell is directed to tracking and controlling the motion of a substrate inside an environmental enclosure. *See Mitchell*, col. 1, line 54-57. To track and control the motion of such a substrate, Mitchell describes that a photodetector outside the environmental enclosure is to be "optically locked" to the substrate using a diffraction pattern generated by a grating on the enclosed substrate. *See Mitchell*, col. 2, line 30-35. Such optical locking allows the enclosed substrate "to follow [movement of the external detector] in lock step." *See Mitchell*, col. 2, line 35-39; col. 2, line 57-67; col. 3, line 7-11 (describing that "optically locking" of the enclosed substrate to the external photodetector causes them to have the same position, or a position which is offset by a "designatable amount" from the same position.).

In order to ensure that there is no relative movement between the enclosed substrate and the external photodetector, a photodetector sensor 416 detects interference fringes from the enclosed substrate and an internal servo loop ensures that "the output from [photodetector] sensor 416 remains unchanged." In particular, the output from sensor 416 is provided to a digital signal processor which converts the output into position information. Servo processing circuitry then uses this position information to control a motor 404 which moves the enclosed substrate. *See Mitchell*, col. 24, line 9-27.

Since photodetector sensor 416 is illuminated by the interference pattern generated by Mitchell's enclosed substrate and no relative movement between the enclosed substrate and photodetector sensor 416 occurs, Applicant submits that Mitchell neither describes nor suggests a positioner that is to displace the actually illuminated area across the first location in a direction crossing the interference fringe, as recited in claim 1. Indeed Mitchell's internal servo loop exists for the sole purpose of ensuring that there is no change whatsoever in the illumination of photodetector sensor 416. Since motor 404 is controlled by Mitchell's internal servo loop, it cannot displace an illuminated area across photodetector sensor 416.

Accordingly claim 1, and the claims dependent therefrom, are not anticipated by Mitchell.

Each of the dependent claims also defines patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant asks that all claims be allowed. No fees are believed due at this time. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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